

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 COME-00 EB-08 LAB-04 SIL-01 CAB-02
DOTE-00 FAA-00 /074 W
-----127289 060004Z /63

R 051555Z AUG 77
FM USMISSION USBERLIN
TO AMEMBASSY BONN
INFO SECSTATE WASHDC 5047
AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO
AMEMBASSY ANKARA
AMCONSUL ISTANBUL

C O N F I D E N T I A L SECTION 1 OF 2 BEUSBERLIN 2052

E.O. 11652: GDS
TAGS: PGOV, EAIR, WB, GE
SUBJECT: TURKISH WORKER FLIGHTS: SENAT WANTS ACTION AGAINST THY

REF: (A) USBERLIN 1613, (B) BONN 12055

SUMMARY: SENAT INTENDS TO ASK ALLIES TO INVOKE BK/O(62)5
AGAINST TURKISH AIRLINES SCHOENEFELD-TURKEY FLIGHTS.
THIS PROPOSAL IS CONTRARY TO ALLIED CONSENSUS HERE THAT
BK/O(62)5 MIGHT BETTER BE APPLIED AT THIS POINT AGAINST INTER-
FLUG RATHER THAN THY FLIGHTS TO AND FROM SCHOENEFELD. END
SUMMARY.

1. SENAT HAS PASSED TO ALLIES A WORKING PAPER DATED
JULY 21, 1977 (POUCHED TO EMBASSY BONN) WHICH OUTLINES
THE STEPS THE SENAT BELIEVES SHOULD BE TAKEN TO REDUCE
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THE DAMAGE TO WEST BERLIN AIR TRAFFIC CAUSED BY
SCHOENEFELD-TURKEY GUESTWORKER FLIGHTS. WORKING PAPER
IS PRELIMINARY TO FORMAL VERMERK FROM SENAT WHICH IS
EXPECTED TO BE HANDED TO ALLIES BETWEEN AUGUST 8 AND
12 AT THE LATEST, AFTER SENAT CONSULTATION WITH
FRG.

2. WORKING PAPER PROPOSES, ON BASIS OF BK/O(62)5, TO FORBID THY TO SELL TICKETS FOR FLIGHTS BETWEEN SCHOENEFELD AND TURKEY IN WEST BERLIN AND TO PROHIBIT ORGANIZATION BY THY OF A PASSENGER TRANSPORTATION SERVICE BETWEEN WEST BERLIN AND SCHOENEFELD. (NOTE: AT PRESENT, INTERFLUG HAS SUCH A SERVICE; THY DOES NOT.) IF DESIRED PROHIBITIONS ARE PUT INTO EFFECT, AND THY DOES NOT OBSERVE THEM, SENAT WOULD PLAN TO CLOSE DOWN THY OFFICES IN WEST BERLIN AND ANY SUBSEQUENT ATTEMPT BY A BUSINESS CONCERN TO TAKE OVER THY TICKET SALES OR TRANSPORTATION SERVICE WOULD BE FORBIDDEN SUBJECT TO LEGAL PENALTIES. SENAT OFFICIAL (KUNZE), IN MEETING WITH SENAT LIAISON OFFICERS AUGUST 2, CONFIRMED THAT SENAT WANTS "AT LEAST" TO BE PERMITTED TO PROCEED AGAINST THY WITH BK/O(62)5. SENAT CONCURS WITH ALLIES HERE THAT SECTOR ORDINANCE 500 CANNOT BE USED AGAINST THY BECAUSE BK/O(61)10 OF AUGUST 4, 1961 CAUSED ORDINANCE 500 (IDENTICAL TEXTS IN FR, BR., US SECTORS OF BERLIN) TO CEASE TO BE IN FORCE "IN THE FIELD OF FOREIGN TRADE." AS INNER-GERMAN TRADE IS NOT, HOWEVER, CONSIDERED "FOREIGN TRADE" IN ALLIED LEGAL INTERPRETATION OF PERTINENT LAWS AND REGULATIONS, NEITHER SENAT NOR ALLIES HERE SEES LEGAL OBJECTION TO USING ORDINANCE 500 AGAINST INTERFLUG FLIGHTS.

3. SENAT WORKING PAPER NOTES THAT "COMPETENT AUTHORITIES" HAVE ALREADY INFORMED COMPANIES INVOLVED IN TURKISH GUESTWORKER FLIGHTS TO AND FROM SCHOENEFELD (VIA INTERFLUG)
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THAT SUCH BUSINESS CONDUCTED VIA A THIRD COUNTRY (THE SENAT HAS IN MIND A CASE INVOLVING A VIENNA FIRM) REQUIRES SPECIAL PERMISSION WHICH WILL IN ANY EVENT NOT BE GRANTED. VIOLATIONS, IN SENAT VIEW, SHOULD BE PUNISHABLE BY FINES AND POSSIBLY EVEN BY CONFISCATION OF TICKETS. THE AGENCY ASSIGNED TO OVERSEE THE OPERATION OF ORDINANCE 500 WOULD BE THE OBERFINANZDIREKTION BERLIN. ASKED ON AUGUST 2 WHETHER THE SENAT HAD IN MIND USING BK/O(62)5 AGAINST INTERFLUG SCHOENEFELD-TURKEY FLIGHTS, KUNZE POINTED OUT THAT SENAT ALREADY HAD ORDINANCE 500 FOR THIS PURPOSE AND SUGGESTED THAT BK/O(62)5, WHILE IT WOULD BE USEFUL AGAINST INTERFLUG, WOULD THEREFORE BE SOMEWHAT SUPERFLUOUS. ALLIES' EARLIER IMPRESSION WAS THAT SENAT THOUGHT ORDINANCE 500 ALONE WOULD BE INEFFECTIVE AGAINST INTERFLUG, GIVEN POSSIBILITIES FOR CURRENCY TRANSACTIONS THAT WOULD BE HARD TO KEEP TRACK OF WHEN CONDUCTED THROUGH VARIOUS THIRD COUNTRIES.

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L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
USIA-06 COME-00 EB-08 LAB-04 SIL-01 CAB-02
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R 051555Z AUG 77
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INFO SECSTATE WASHDC 5048
AMEMBASSY BERLIN
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C O N F I D E N T I A L SECTION 2 OF 2 USBERLIN 2052

4. GOVERNING MAYOR, ACCORDING TO WORKING PAPER, CONSIDERS THAT ACTION TO HINDER SALE OF INTERFLUG TICKETS IN FRG IS INDISPENSABLE PART OF PROGRAM TO REDUCE DAMAGE TO WEST BERLIN AIR TRAFFIC. HE HAS SUGGESTED THAT MRG (MILITARISCHE REGIERUNG GESETZ) #53, A LAW OF THE AMERICAN MILITARY GOVERNMENT IN GERMANY RESEMBLING ORDINANCE 500 AND CORRESPONDING LAWS IN FRENCH AND BRITISH ZONES, BE INVOKED. A CURSORY LOOK AT POST'S LEGAL RECORDS INDICATES THAT MRG #53 WAS REVOKED, AS WERE ITS BRITISH AND FRENCH COUNTERPARTS, BY PARAGRAPH #47 OF FRG AUSSENWIRTSCHAFTSGESETZ OF 1961, ALTHOUGH OF COURSE, THERE MAY BE PORTIONS OF THE AUSSENWIRTSCHAFTS-GESETZ WHICH WOULD SERVE SAME END.

5. COMMENT: ALLIES HERE BELIEVE WE CAN LIVE WITH PRESENT LEVEL OF THY/SCHOENEFELD FLIGHTS. IT IS ADDITIONAL
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INROADS MADE BY CUTRATE INTERFLUG FLIGHTS THAT HAVE DESTABILIZED EARLIER ACCEPTABLE SITUATION WHEREBY TEGEL CARRIED ROUGHLY 60-65 PERCENT OF TRAFFIC AND SCHOENEFELD REMAINDER. SENAT BELIEVES THAT TURKS ARE HARD-HEADED

BARGAINERS WHO WILL NOT GIVE AN INCH UNTIL THEY KNOW THAT SENAT IS ARMED WITH BK/O(62)5, POSSIBILITIES OF WHICH ARE FULLY UNDERSTOOD BY TURKS. SENAT BELIEF IS THAT INVOCATION OF BK/O(62)5 AGAINST TURKS FOR SHORT, SPECIFIED PERIOD WOULD BE ENOUGH TO BRING ABOUT THY COOPERATION IN FUTURE. WE ARE CONCERNED THAT MATTERS WOULD NOT END THERE. MOREOVER, WE DO NOT HAVE RESULTS OF FRG DEMARCHE TO TURKS REPORTED IN BONN 12055. AT SAME TIME, WE LIKE SENAT ARE AWARE THAT THY COULD UNDERMINE ANY ANTI-INTERFLUG EFFORTS BY SELLING TICKETS ON INTERFLUG'S BEHALF.

UNDER CIRCUMSTANCES, WE RECOMMEND THAT OPTIONS SHOULD REMAIN OPEN FOR THE MOMENT. MISSIONS HERE FAVOR PUTTING BK/O(62)5 INTO GOVMAYOR'S HIP POCKET FOR USE AGAINST INTERFLUG IF, AS SOME SENAT OFFICIALS EXPECT, 500 PROVES INEFFECTIVE. WE DO NOT FAVOR INVOCATION OF BK/O(62)5 AGAINST THY AT PRESENT; IF, HOWEVER, THY SHOULD TAKE UNDUE ADVANTAGE OF RESTRICTIONS AGAINST INTERFLUG TO EXPAND ITS OWN BUSINESS HERE, OR ASSIST INTERFLUG TO BY-PASS RESTRICTIONS, E.G., BY SELLING THY TICKETS FOR INTERFLUG FLIGHTS, IT WOULD THEN BE APPROPRIATE TO CONSIDER USING BK/O(62)5 AGAINST THY. WE BELIEVE FRENCH AND BRITISH HERE WOULD BE WILLING TO CONTEMPLATE THE INVOCATION OF BK/O(62)5 AGAINST THY UNDER STRICTLY LIMITED CONDITIONS BUT NOT ITS BLANKET USE OVER AN EXTENDED PERIOD OF TIME.

WE SUGGEST THAT BONN GROUP AIR THE PROBLEM AGAIN
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BEFORE SENAT BECOMES TOO FIRMLY COMMITTED TO USING BK/O (62)5 AGAINST THY AT THIS TIME. GEORGE

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Message Attributes

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Decaption Date: 01-Jan-1960 12:00:00 am
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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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